



UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF NEW YORK

(1) CAPTIONS OF ACTIONS

FULL NAME + NUMBER OF PRISONER PLAINTIFF: JASON I. BAXTER IDA3D96

-Vs-

19 CV 6722L

NAMES OF DEFENDANTS:

- (1) PAUL PICCOLO
- (2) TIMOTHY HEATH
- (3) JOSEPH BRADLEY
- (4) BART WAGNER
- (5) ADAM DOLAWAY
- (6) RICHARD GANTERI
- (7) PETER SCHMITT
- (8) K. MOORE
- (9) C. GIRIBALDI
- (10) JAMES ESGROW
- (11) BRANDON COONS
- (12) J. KILLS
- (13) R. STROMAN
- (14) E. BUTLER
- (15) L. BUTLER
- (16) E. THATCHER
- (17) R. KENNELL
- (18) JOHN DOE
- (19) JANE DOE

STATEMENT OF JURISDICTION

THIS CIVIL ACTION SEEKS RELIEF AND/OR DAMAGES TO DEFEND AND PROTECT THE RIGHTS GUARANTEED BY THE CONSTITUTION OF THE UNITED STATES. THIS ACTION IS BROUGHT PURSUANT TO 42 U.S.C. § 1983. THIS COURT HAS JURISDICTION OVER THE ACTIONS PURSUANT TO: 28 U.S.C §§ 1331, 1333(3) AND (4) AND 2201.

DEFENDANT INFORMATION: NAME - OFFICIAL POSITION: SUPERINTENDENT - P. Riccio
DEPUTY'S SUPERINTENDENT SECURITIES - T. HEATH / CAPTAIN - J. BRADLEY / CAPTAIN - B. WAGNER
LIEUTENANT - R. GANTERT / SERGEANT - A. DOLAWAY / SERGEANT - P. SCHMITT / SERGEANT GIRIBALDI
SERGEANT - K. MOORE / COMMISSIONER OF HEARINGS(S) J. ESGROW / C.O. - B. COON
C.D. - R. STRDMAN / C.D. - L. BUTLER / C.D. - E. BUTLER / C.D. E. THATCHER / C.D. - R. KENNELL
C.D. J. KILTS / JOHN DOE / JANE DOE

DEFENDANTS IS SUED IN: INDIVIDUAL AND/OR OFFICIAL CAPACITY

ADDRESS OF DEFENDANTS: SOUTHPORT CORRECTIONAL FACILITY; 236 Bob
MASIA DRIVE, P.O. Box - 2000, PINECITY
NEW YORK 14871-2000

PREVIOUS LAWSUITS IN STATE AND FEDERAL COURT

(A) - HAVE YOU BEGUN ANY OTHER LAWSUITS IN STATE OR FEDERAL COURT
 WITH THE SAME FACTS INVOLVED IN THIS ACTION? YES NO

IF YES, COMPLETE THE NEXT SECTION: (1) NAMES OF THE PARTIES TO
 THIS OTHER LAWSUIT, PLAINTIFF(S): JASON I. BAXTER
 DEFENDANT(S): ALL SUPRA

(2) COURT - UNITED STATES DISTRICT COURT WESTERN NEW YORK,
2120 - U.S. COURTHOUSE, 100 - STATE STREET
ROCHESTER NEW YORK 14614 - 1387

(3) DOCKET OR INDEX NUMBER(S): NONE

(4) NAME OF JUDGE TO WHOM CASE WAS ASSIGNED: NONE

PLNTF. BAXTER, SENT TO THE COURT SUPRA, ~~IN~~ THIS VERY SAME 1983 WITH MULTIPLE
 EXHIBITS, ON AUGUST-25-2019 THE 1983 WAS PLACE IN A SOUTHPORT MAIL BOX
 HOWEVER NO DOC OR INDEX OR CV NUMBER, AND AFTER SEVERAL INDUSTRY'S
 NO RESPONSE, PLNTF. BAXTER HAS PRESUMED THE 1983 NEVER LEFT THE
 SOUTHPORT CORR. FAC. BECAUSE ON SEPT-9-2019 PLNTF. BAXTER PLACE A 1983

PLACE A 1983 IN A SOUTHPORT MAILBOX AND NINE DAYS
LATER RECEIVED CR. # 19CM6679. HOW IS THAT? A 1983 FROM
AUGUST 25-2019 DID NOT GET A NUMBER, BUT 1983 FROM SEPTEMBER 19
GOT A NUMBER? PLAINTIFF BAXTER IS UNDER THE STRONGEST
IMPRESSION THAT MAIL ROOM STAFF IS ONLY ALLOWING CERTAIN
"LEGAL MAIL" TO GO OUT OF THIS FACILITY OR COME IN.
HOW DO YOU EXPLAIN THIS THEN?

DEFENDANT = DEFENDANT

PLAINTIFF = PLAINTIFF

M.B.R. = MISBEHAVIOR REPORT

Disposition (check the statements which apply):

Dismissed (check the box which indicates why it was dismissed)

- By court *sua sponte* as frivolous, malicious or for failing to state a claim upon which relief can be granted;
 - By court for failure to exhaust administrative remedies;
 - By court for failure to prosecute, pay filing fee or otherwise respond to a court order;
 - By court due to your voluntary withdrawal of claim;
- Judgment upon motion or after trial entered for
- plaintiff
 - defendant.

5. STATEMENT OF CLAIM

For your information, the following is a list of some of the most frequently raised grounds for relief in proceedings under 42 U.S.C. § 1983. (This list does not include all possible claims.)

- | | | |
|--|------------------------|--|
| • Religion | • Access to the Courts | • Search & Seizure <input checked="" type="checkbox"/> UNLAWFUL IMPRISONMENT |
| • Free Speech | • False Arrest | • Malicious Prosecution <input checked="" type="checkbox"/> RETALIATION-CONSPIRACY |
| <input checked="" type="checkbox"/> Due Process | • Excessive Force | • Denial of Medical Treatment |
| <input checked="" type="checkbox"/> Equal Protection | • Failure to Protect | • Right to Counsel |

Please note that it is not enough to just list the ground(s) for your action. You **must** include a statement of the facts which you believe support each of your claims. In other words, tell the story of what happened to you but do not use legal jargon.

Fed.R.Civ.P. 8(a) states that a pleading must contain "a short and plain statement of the claim showing that the pleader is entitled to relief." "The function of pleadings under the Federal Rules is to give fair notice of the claim asserted. Fair notice is that which will enable the adverse party to answer and prepare for trial, allow the application of res judicata, and identify the nature of the case so it may be assigned the proper form of trial." *Simmons v. Abruzzo*, 49 F.3d 83, 86 (2d Cir. 1995). Fed.R.Civ.P. 10(b) states that "[a]ll averments of claim ... shall be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a single set of circumstances."

Exhaustion of Administrative Remedies

Note that according to 42 U.S.C. § 1997e(a), "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a person or confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

You must provide information about the extent of your efforts to grieve, appeal, or otherwise exhaust your administrative remedies, and you must attach copies of any decisions or other documents which indicate that you have exhausted your remedies for each claim you assert in this action.

5. The approximate date the action was filed: _____

6. What was the disposition of the case?

Is it still pending? Yes No

If not, give the approximate date it was resolved. _____

Disposition (check the statements which apply):

 Dismissed (check the box which indicates why it was dismissed):

- By court *sua sponte* as frivolous, malicious or for failing to state a claim upon which relief can be granted;
 - By court for failure to exhaust administrative remedies;
 - By court for failure to prosecute, pay filing fee or otherwise respond to a court order;
 - By court due to your voluntary withdrawal of claim;
- Judgment upon motion or after trial entered for
- plaintiff
 - defendant.

B. Have you begun any other lawsuits in federal court which relate to your imprisonment?

Yes No

If Yes, complete the next section. NOTE: If you have brought more than one other lawsuit dealing with your imprisonment, use this same format to describe the other action(s) on another sheet of paper.

1. Name(s) of the parties to this other lawsuit:

Plaintiff(s): JASON BAXLER

Defendant(s): HAROLD D. GRAHAM / NASSAU COUNTY / NY DOCCS

2. District Court: EDNY- 100 FEDERAL PLAZA CENTRAL ISLIP, NY 11722

3. Docket Number: 15-CR-3197

4. Name of District or Magistrate Judge to whom case was assigned: HON JOSEPH F. BIANCO

5. The approximate date the action was filed: _____

6. What was the disposition of the case?

Is it still pending? Yes X No

If not, give the approximate date it was resolved. _____

did the following to me (briefly state what each defendant named above did): _____

The constitutional basis for this claim under 42 U.S.C. § 1983 is: _____

The relief I am seeking for this claim is (briefly state the relief sought): _____

Exhaustion of Your Administrative Remedies for this Claim:

Did you grieve or appeal this claim? Yes _____ No _____ If yes, what was the result? _____

Did you appeal that decision? Yes _____ No _____ If yes, what was the result? _____

Attach copies of any documents that indicate that you have exhausted this claim.

If you did not exhaust your administrative remedies, state why you did not do so: _____

If you have additional claims, use the above format and set them out on additional sheets of paper.

6. RELIEF SOUGHT

Summarize the relief requested by you in each statement of claim above.

DAMAGES, RELEASE FROM THE S.H.U.

Do you want a jury trial? Yes No _____

(A) CLAIM: DUE MARCH-5-2019 — MARCH-12-2019

DEFENDANTS: PAUL PICCOLO AND/OR TIMOTHY HEATH DR
 JOHN-JANE DOE MOVEMENT + CONTROL
 PICCOLO - SUPERINTENDENT / HEATH - DEPUTY SUPERINTENDENT

DID THE FOLLOWING TO ME: ACTING UNDER COLOR OF STATE LAW(S), DID CONSPIRER WITH SUBORDINATE'S TO RETALIATE ON PLAINTIFF BAXTER, BECAUSE OF PROTECTED CONDUCT FILING: GRIEVANCE'sss / LAW-SUITS / P.R.E.A. COMPLAINT's. HAS BAXTER MOVED FROM THE D-BLOCK HOUSING UNIT WHERE C.O.-B.COON WHO WAS THE SUBJECT OF SAID PROTECTED CONDUCT. PREA + GRIEVANCE COMPLAINT'sss. HAS A STEADY POST, HOWEVER THAT WAS PRETEXTUAL, THE REAL REASON(S) WAS BECAUSE: AFTER BEING DENIED PHONE-CALLS FOR (5) FIVE MONTH's BY CAPTAIN WAGNER (SEE 19-CV-6077) ON MARCH-5-2019 BY PHONE PLNTF. BAXTER FILED A P.R.E.A. COMPLAINT IN C.O.-COON PER #777. SO MEMBER'S OF THE "BLUE WALL KLAN" CONSPIRERED TO RETALIATE ON BAXTER FOR FILING THAT P.R.E.A. COMPLAINT. BETWEEN MARCH-5-2019 + MARCH-12-19 C.O-L. BUTLER AKA THE BLUE SUNFLOWER, STARTED WORKING IN D-BLOCK TO OBTAIN A VISUAL DESCRIPTION OF BAXTER. AFTER L. BUTLER OBTAIN THAT DESCRIPTION BAXTER WAS MOVED FROM D-BLOCK TO B-BLOCK. AT ONE TIME BAXTER WAS HOUSED IN B-BLOCK, HOWEVER BAXTER WAS MECHANICALLY RESTRAINED AND ASSAULTED BY SEVERAL CORRECTION OFFICER'S IN B-BLOCK AND THAT WAS THE REASONS BAXTER WAS MOVED TO D-BLOCK. IT HAS CAMERA'S & MICROPHONE'S ALL OVER THE BLOCK. BOTH DEFNT. PICCOLO + HEATH WAS WELL AWARE OF THIS, YET DEEM IT FIT FOR BAXTER TO RETURN TO B-BLOCK, WHICH HAS NO CAMERA'S OR MICROPHONE'S. HOWEVER DEFNT. PICCOLO - HEATH SEEM TO DEEM IT UNFIT FOR BAXTER TO BE HOUSED ON THE 3rd FLOOR WITH THE NORMAL/REGULAR PRIMS LEVEL 3 INMATE'S, AND PLACE BAXTER ON A MEDICAL GALLERY, FOR WHICH YOU NEED A MEDICAL PERMIT OR REASONS TO BE HOUSED ON THAT GALLERY. BAXTER HAS/HAD NEITHER". WHO DID DEFNTS. PICCOLO - HEATH DEEM IT FIT FOR BAXTER TO BE HOUSED IN B-BLOCK "AGAIN" YET NOT FIT TO BE UPSTAIR'S ON THE 3rd FLOOR? WHAT? THE CO.'S WHO ASSAULTED BAXTER CANNOT GO ONTO / COME ON B-2-GALLERY? "NO" L. BUTLER WORKS THAT COMPANY'S B-2 AT NITE AND AFTER L. BUTLER LOCATED BAXTER CELL, SHE FALSELY

SITE FAHSELY ACCUSED BAXTER OF LEWD CONDUCT SO BASICALLY,
BAXTER IS PRESSING / PURSUING P.R.E.A. CHARGES "(REAL ONE'S)" DN
DNE OF US (C.D's) WE WILL RETALIATE IN "KIND". NOW IF
DFDNts. PICCOLO - HEATH WANTED TO SEPARATE BAXTER FROM THE
STEADY WORK Post / Block of C.D.-COON, WHY DID BAXTER GET MOVED
RIGHT BACK TO D-BLOCK AFTER L. BUTLER WROTE A MISBEHAVIOR
REPORT DN FALSE CHARGES OF LEWD CONDUCT AND C.D.-COON STILL
WORK's D-BLOCK? (Hmmm)

THE DAY BAXTER WAS MOVED FROM D-BLOCK, BECAUSE OF HIS
PROTECTED CONDUCT BOTH DFDNTs. PICCOLO - HEATH MADE EXECUTIVE
ROUND's AND LOOK INTO BAXTER ASSIGNED CELL AND SEEN
BAXTER PROPERTY PACK-UP.

(A) CLAIM: DN - APRIL-18-2019 + APRIL-3D-2019/APRIL-2019

DEFENDANTS: ADAM DOLAWAY / RONALD H. KENNELL / JAMES ESGROW
 CORR. SERGEANT / CORR. OFFICER / COMMISSIONER OF HEARING(S)

DID THE FOLLOWING TO ME: ACTING UNDER COLOR OF STATE LAW(S)
 AFTER BAXTER WAS RE-HOUSED BACK IN D-BLOCK, THE ABOVE STATED
 DEFENDANT(S) DENIED BAXTER DUE PROCESS OF LAW ON THE DAY OF APRIL-
 18-2019. PLNTF. BAXTER APPEARED AT A TIER 3 HEARING FROM A M.B.R.
 WRITTEN BY LORRAINE S. BUTLER, AFTER BAXTER REQUESTED SEVERAL WITNESSES
 AND DOCUMENTS AND DISPLAYED HIS INTENTION'S TO DEFEND AGAINST
 THESE FALSE CHARGES, THE ABOVE STATED DEFENDANT(S) THEN CONSPIRED TO
 RETALIATE AND DENIED BAXTER HIS DUE PROCESS, BY WAY OF ENFORCING
 AN UNLAWFUL PRE-HEARING DEPRIVATION ORDER OUT OF ANIMUS MALICIOSUS
 RETALIATION. BAXTER HAS NOT BEEN FOUND GUILTY OF ANYTHING, AND DEFN.
 DOLAWAY OUT OF MALICE TRY TO FORCE BAXTER TO WEAR AN EXPOSER-SUIT
 AND WHEN BAXTER REFUSED DEFN. DOLAWAY, TOLD ORDER DEFN. KENNELL, WHO
 WAS THE ESCORTING OFFICER, NOT TO TAKE BAXTER TO HIS HEARING, EVEN
 WHEN BAXTER TOLD DEFN. KENNELL "FACE TO FACE" [I WANT TO GO TO MY HEARING
 I'M NOT GUILTY YET, SGT. DOLAWAY CANNOT DO THAT] IT FELL ON DEAF EAR'S
 KENNELL CHOSE TO AID + ABED HIS SUPERVISOR DOLAWAY, NOT THE LAW(S)
 KNOWING IT WAS WRONG TO DO SO, AND WITH THE UPPER LEVEL AUTHORIZATION
 A DEPUTIS OR HIGHER CAN ONLY ISSUE DEPRIVATION ORDER(S), THE ONLY AND MOST
 STRONGEST INFERENCE FROM RANKING DIGNITARY DEFENDANTS IN THIS DOCUMENTARY
 COMPLAINT, IS BAXTER IS GUILTY NO MATTER WHAT TRUTH-EVIDENCE HE PRESENTED
 TO THE "CONTRARY" "RESPONDENT SUPERIOR MUST ATTACH" THE HEARING OFFICER
 DEFN. ESGROW KNEW FROM BAXTER FIRST APPEARANCE, AND REQUEST OF WITNESSES
 AND DOCUMENTS, PLNTF. BAXTER WAS GOING TO FIGHT "ALL THOSE FALSE CHARGE'S TO
 THE END" AND DEFN. ESGROW "NEVER VERIFIED BAXTER SUDDEN-ALLEGED-SPECIOUS
 REFUSAL" THE NEXT PRESJUDICIAL SPILLOVER EFFECT WAS A SECOND DENIAL OF
 DUE PROCESS OF LAW.

AS TO THE FIRST DENIAL OF DUE PROCESS, FROM DEFENDANTS - DOLAWAY -
KENNELL - ESGROW - RESPONDENT - SUPERIOR - PICCOLD - HEATH.

- (1) BAXTER WAS DENIED THE RIGHT TO BE PERSONALLY PRESENT AT THE HEARING.
- (2) BAXTER WAS DENIED THE RIGHT TO CALL WITNESSES IN HIS BEHALF.
- (3) BAXTER WAS DENIED THE RIGHT TO EMPLOYEE ASSISTANT
- (4) BAXTER WAS DENIED THE RIGHT TO HEAR EVIDENCE AGAINST HIM.
- (5) BAXTER WAS DENIED THE RIGHT TO RESPOND TO SAID EVIDENCE PRIOR TO THE DISPOSITION BY THE HEARING OFFICER.
- (6) BAXTER WAS DENIED THE RIGHT TO PRESENT + MARSHAL DOCUMENTARY EVIDENCE.
- (7) BAXTER WAS DENIED AN IMPARTIAL HEARING OFFICER.
- (8) BAXTER WAS DENIED THE RIGHT TO BE PRESENT WHILE WITNESSES TESTIFIED.
- (9) BAXTER WAS NOT HEARD AT A MEANINGFUL TIME OR IN ANYWAY.

(A) CLAIM: DN APRIL-19-2019 + APRIL-29-2019

DEFENDANTS: RICHARD GANTERT, PETER SCHMITT, EDWARD THATCHER
 CORRECTION LIEUTENANT, SERGEANT, CORRECTION OFFICER

DID THE FOLLOWING TO ME: ACTING UNDER COLOR OF STATE LAWS
 THE ABOVE STATED DEFENDANTS DID DENIED DUE PROCESS TO BAXTER
 DFDNT. SCHMITT ENFORCEMENT OF AN UNLAWFUL - DEPRIVATION ORDER WAS
 WAS ONE REASDN WHS BAXTER NEVER RECEIVED HIS PROCESS DUE, DFDNT.
 THATCHER CAME TO ESCORT BAXTER TO HIS HEARING AND FACE TO FACE
 BAXTER INFORMED DFDNT. THATCHER (ESCORTING C.O.) THAT [I WANT TO GO
 TO MY HEARING] DFDNT. THATCHER CHOSE TO STAND-BY SUPERVISOR
 SCHMITT AND NOT THE LAW(S) AND ESCORT BAXTER TO THE HEARING
 AND THE HEARING OFFICER DFDNT. GANTERT, REFUSED TO VERIFY THE SPECIOUS
 REFUSAL PER HIS OWN REGULATIONS AND "THAT WAS DUE PROCESS LAST
 HOPE"

- (1) BAXTER WAS DENIED THE RIGHT TO BE PERSONALLY PRESENT AT THE HEARING.
- (2) BAXTER WAS DENIED THE RIGHT TO CALL WITNESS(ES) IN HIS BEHALF.
- (3) BAXTER WAS DENIED THE RIGHT TO EMPLOYEE ASSISTANT.
- (4) BAXTER WAS DENIED THE RIGHT TO HEAR EVIDENCE AGAINST HIM.
- (5) BAXTER WAS DENIED THE RIGHT TO RESPOND TO SAID EVIDENCE PRIOR TO THE DISPOSITION OF THE HEARING OFFICER
- (6) BAXTER WAS DENIED THE RIGHT TO PRESENT + MARSHAL DOCUMENTARY EVIDENCE
- (7) BAXTER WAS DENIED IMPARTIAL HEARING OFFICER
- (8) BAXTER WAS DENIED THE RIGHT TO BE PRESENT WHILE WITNESS(ES) TESTIFIED
- (9) BAXTER WAS NOT HEARD AT A MEANINGFUL TIME OR IN ANYWAY

DEFENDANT: PETER S. SCHMITT CORRECTION SERGEANT

DID THE FOLLOWING TO ME: ACTING UNDER COLOR OF STATE LAW(S)

DID ANIMUSLY RETALIATE AND INDIVIDUALLY DISCRIMINATE AGAINST, PLNTF.
BAXTER: (1) DEFNT. SCHMITT CONTINUOUSLY SUBMITTED RESTRAINT ORDER(S) WHICH
WAS FALSE BUT NONE THE LESS APPROVED BY DEFNT. HEATH AND INMATES,
CANNOT ADVANCE TO PRIMS LEVEL 2 UNTIL (30) THIRTY DAY'S AFTER THE
THE RESTRAINT ORDER HAS BEEN DISCONTINUED, AND AFTER WEEKS OF FALSE
RESTRAINT ORDER(S) SUBMITTED BY SCHMITT APPROVED BY HEATH, WHEN DEFNT.
SCHMITT COULD NOT GET ANOTHER ORDER, HE THEN STARTED HIS INDIVIDUAL
DISCRIMINATION AND INMATE'S WHO CAME TO D-BLOCK AFTER BAXTER
WITH DEPRIVATION ORDER(S) DISCONTINUED BY SCHMITT, AND ALLOWED
A WHITE INMATE TO ADVANCE, DEFNT. SCHMITT EVEN PUT SAID INMATE
IN A LEVEL 3 CELL JUST SO HE SCHMITT CAN SAY THERE'S NO LEVEL 2
CELL AVAILABLE, SO YOU CANNOT ADVANCE GET BAXTER.

THESE INMATE'S WAS LATIND AND HAD JUST GOT RESTRAINT ORDER(S)
DEPRIVATION ORDER(S) AND A TIER 3 TICKET PLUS DEPRIVATION ORDERS
SHAWN KING 17R30H (LATIND) / BRYAN REDDENS 18A1D16 (WHITE)
GARCIA - D-A-3CELL / RAMEREZ D-A-1DCELL (LATIND) RAMEREZ

WAS WRITTEN-UP BY L.BUTLER FOR LEWD CONDUCT AND NOT ONCE DID DEFNT.
SCHMITT ENFORCE THE EXPOSER-SUIT UPON HIM/GARCIA HAD A SHOWER
DEPRIVATION ORDER, IN FACT ALL SANCTIONS WAS DISCONTINUED SO
THAT THESE INMATE'S CAN FILL-UP THE LEVEL TWO CELL'S, SO THAT
BAXTER CANNOT ADVANCE ONE WAY OR THE OTHER

(A) CLAIM: ON APRIL - 5 - 2019 THREW MAY - 10 - 2019

DEFENDANTS: ADAM DOLAWAY CORRECTION SERGEANT
PETER S. SCHMITT CORRECTION SERGEANT

DID THE FOLLOWING TO ME: ACTING UNDER COLOR OF STATE LAW DID DENIS PLNTF. BAXTER RECREATION FOR (1) ONE MONTH AND (5) FIVE DAYS STRAIT DENIED BAXTER HIS MENTAL HEALTH CALL'S-DUT'S (2) TWO AND THE BARBER-SHOP AND CREATED A STIGMA-PLUS BY PLACING A 9X15 (NEON GREEN WITH BOLD BLACK LETTER'S) SIGN ON THE FRONT DOOR OF BAXTER CELL THAT STATED "EXPOSER" FOR ALL OUTSIDE GUEST AND FACILITY STAFF TO SEE EVERYDAY-EVERYTIME THEY WALK PAST BAXTER CELL.

THE CONDITIONS OF THIS S.H.U. ONLY INSTITUTION CALL "SOUTHPORT" THE MOST PUNITIVE OF THE NEW YORK STATE SYSTEMS FACILITIES, A FACILITY WHERE PROTECTIVE CUSTODY OR ADMINISTRATIVE SEGREGATION ARE "NOT HOUSED" BAXTER HAS TO ENDURE THE FOLLOWING AT THIS "SOUTHPORT FACILITY D-BLOCK PUNITIVE SEGREGATION UNIT"

- (1) THE CELL(S) IS INFESTED WITH SPIDER'S.
- (2) THE CELL(S) HAVE MOLE ON THE WALL'S
- (3) THERE ARE MICE RUNNING IN OUT OF THE CELL ALL NITE LONG.
- (4) THE (30") THIRTY INCH LIGHT IS ON ALL DAY FROM 6:00 A.M TO 11:15PM NO LIGHT SWITCH INSIDE THE CELL.
- (5) YOUR PLACED IN ANOTHER CAGE FOR EXERCISE, INSTEAD OF AN OPEN SPACE.
- (6) NO CONGREGATE ACTIVITIES AT THIS S.H.U. OTHER S.H.U. HAS SUCH REC.
- (7) THE HYGIENIC CONDITION FAR FAR INFERIOR TO GENERAL POPULATION ONCE A WEEK YOUR ALLOWED WET CELL CLEAN-UP WHICH CONSIST OF TOILET BRUSH - DINE WATERED DOWN LIGHT GREEN DISINFECTION

- (8) DEFAULTS PLUMBING, THE NEIGHBORING CELL FLUSHES AND THE WASTE FLOATS UP INTO YOUR TOILET
- (9) 1oz SOAP-BAR'S TO TAKE SHOWER WITH, (1) ONE SMALL-CUP OF TOOTHPASTE
- (10) COMMUNICATIONS WITH FAMILY-FRIENDS IS AT A "ALARMING LOW" "IN ANY COMPARISON"
- (11) YOUR RESTRAINT WHENEVER YOU OUTSIDE YOUR CELL, EVEN AT RECREATIONS.
- (12) SMALLER FOOD PORTIONS / NO VITAMINS SUPPLEMENT(S)

(A) CLAIM: On May-2019 June-19-2019

DEFENDANT: JOSEPH BRADLEY - CORRECTION CAPTAIN

DID THE FOLLOWING TO ME: ACTING UNDER COLOR OF STATE LAW(S)

DID RETALIATE ON PLAINTIFF BAXTER BY WRITING A MISBEHAVIOR REPORT FROM AN ALLEGED INCIDENT THAT HAPPENED IN APRIL-2019, THIS WAS DONE AFTER DEFENDANT BRADLEY WAS SERVED BY THE UNITED STATES MARSHAL THEN DEFENDANT BRADLEY SHOWED MORE ADVERSE ACTION BY CONDUCTING A LATE HEARING FOR M.B.R. WRITTEN ON MAY-31-2019 IN WHICH THE ELECTRONIC WITNESS SHOWED CONTRARY TO THE M.B.R. DEFENDANT BRADLEY SANCTION ONE (1) DAY IN THE S.H.U. UPON PLAINTIFF BAXTER NEW YORK HAS WELL SETLED LAWS THAT AT SOMEPOINT A PRISONER CONFINED IN SEGREGATION UNIT MUST HAVE HIS STATUS EXAMINED BY PRISON OFFICIAL AND BE ACCORDED SOME SORT OF HEARING AS TO GROUNDS FOR THE CONTINUED CONFINEMENT, WHEN STATE MANDATES SUCH HEARING NO LATER THAN 14 DAY'S AND PRISONER CONFINEMENT CONTINUES WITHOUT A HEARING FOR 20 DAY'S A PROTECTED LIBERTY'S INTEREST HAS BEEN VIOLATED, NEW YORK REGULATION ITSELF GAVE DEFENDANT BRADLEY CLEAR NOTICE THAT A HEARING COULD NOT BE CONDUCTED BEYOND 14 DAY'S WITHOUT PROPER APPROVAL, DEFENDANT BRADLEY WAS HELL-BENT ON RETALIATING ON BAXTER: (1) FRAUDULENT DOCUMENTS (2) CALCULATED CELL SEARCHES (3) MALICIOUS PROSECUTION (4) UNLAWFUL IMPRISONMENT IN THE S.H.U.

THE MISBEHAVIOR REPORT WAS A RE-ISSUE FROM AN APRIL-25-2019 ALLEGED INCIDENT, THIS HEARING WAS COMPLETED ALLEGEDLY MAY-8-2019 "HOW WAS DEFENDANT BRADLEY ALLOWED TO RE-ISSUE IT LATE?"

DEFENDANT: BART WAGNER - CORRECTION CAPTAIN

DID THE FOLLOWING TO ME: ACTING UNDER THE COLOR OF STATE LAW DID RETALIATE ON PLNTF. BAXTER BECAUSE OF PROTECTED CONDUCT OF FILING GRIEVANCE'S / LAW-SUITS / PREA COMPLAINTS / ITS REAL IMPORTANT TO CONSIDER WHO AUTHORIZE THE SEARCH'S OF PLNTF. BAXTER CELL TIMING OF THE SEARCHES AND FREQUENCY, THE REASON'S AND DEFNT. WAGNER ISSUED SEVERAL UNLAWFUL DEPRIVATION ORDER'S AS WELL AS AIDE'S + ASSISTED THE UNLAWFUL IMPRISONMENT IN THE S.H.U. OF PLNTF. BAXTER, BOTH DEFNTS WAGNER + BRADLEY CONTROL THE SOUTHPORT DISCIPLINARY OFFICE "EVERYTHING" DISCIPLINAR'S GOES THREW THERE OFFICE EVEN F.O.I.L REQUEST EMPLOYEE ASSISTANT MUST SUBMIT REQUEST OF EVIDENCE FOR A HEARING TIER 2 OR 3 TO DEFNTS WAGNER + BRADLEY'S OFFICE. FOR THE INMATE'S REQUEST OF EVIDENCE TO BE FORFILL, AS WELL AS ALL HEARING DISPOSITION(S) - TAPE(S) - DEPRIVATION ORDER(S) - RESTRAINT ORDER(S) - COPY'S ORIGINAL GO TO / GO THREW DEFNTS. WAGNER + BRADLEY'S OFFICE AND WAS WELL AWARE OR SHOULD HAVE KNOWN OF BAXTER UNLAWFUL IMPRISONMENT IN THE S.H.U. / DEFNTS. WAGNER + BRADLEY'S SELECTIVELY MAINTAIN ANIMUS - MERITLESS DISCIPLINAR'S PROCEEDING'S - DEPRIVATION ORDER'S RESTRAINT ORDER'S BECAUSE OF PLNTF. BAXTER PROTECTED CONDUCT

8TH AMENDMENT OF THE UNITED STATES CONSTITUTION IS BASED
ON THE DEFENDANT'S WILLING MALICIOUSNESS TO RETALIATE
AND VIOLATE BAXTER RIGHTS(S) TO BE FREE FROM CRUEL AND
UNUSUAL PUNISHMENT, BY PUNISHING BAXTER "SEVERELY" FOR
ACTS FOR WHICH HE WAS NOT CULPABLE AND DEFENDANT'S
INFILCTION OF PUNISHMENT WHICH WAS "GROSSLY"
DISPROPORTIONATE TO THE INFRACTION(S) ALLEGED TO HAVE
OCCURRED AND "SHOCKING TO THE CONSCIENCE(S)" "TOTALLY"
WITHOUT PENALOGICAL JUSTIFICATION.

THE ONLY OPPORTUNITY FOR AN INMATE TO BE HEARD ON MATTERS
OF HIS CONFINEMENT IS AT A DISCIPLINARY HEARING
WHERE HIS GUILT OR INNOCENCE WILL BE DETERMINED
NO HEARING'S - UNLAWFULLY IMPRISONED - MULTIPLE FORMS
OF RETALIATION(S) PLAINLY EXCEED ALL BOUNDARIES OF
PENALOGICAL INTEREST - REASONABLENESS - JUSTIFICATION

(A) CLAIM. On April-2019 - August-2019

DEFENDANTS: PICCOLD / HEATH / BRADLEY / WAGNER / GANTERT / GIRIBALDI
 COON / KITTS / STROMAN / ESGROW /

DID THE FOLLOWING TO ME: ACTING UNDER COLOR OF STATE LAW(S)
 DEFNTS. SGT. GIRIBALDI - CO-COON - CO KITTS - CO-STROMAN ALL RETALIATED
 ON PLNTF. BAXTER FOR HIS PROTECT CONDUCT OF FILING GRIEVANCES, THESE
 DEFNTS - GIRIBALDI - COON - KITTS - STROMAN WROTE OR ENDORSED MISBEHAVIOR
 REPORTS AND ALL STATED DEFENDANTS USED M.B.R. TO UNLAWFULLY
 IMPRISON BAXTER INSIDE THE S.H.U. / "AT NO TIME DID BAXTER
 ██████████ CONSENT TO THIS UNLAWFUL IMPRISONMENT" AND WAS "WOKE" BY
 DEFNT. BRADLEY TAMPERING WITH THE DISPOSITION HE RENDERED,
 KNOWING BAXTER WOULD REQUEST TAPE TO PERFECT AN APPEAL, DEFNT. BRADLEY
 INTENTIONALLY WITH MALICE PUT THE WRONG HEARING TAPE (#) NUMBER
 AND CAUSE BAXTER TO BE "WOKE" TO THIS UNLAWFUL IMPRISONMENT "FULLY"
 ALL DEFENDANTS STATED ABOVE, DID CONSPIRE TO UNLAWFULLY IMPRISON
 BAXTER AS WELL AS DENY DUE PROCESS OF LAW AND ACCESS TO THE
 COURTS / UNLAWFUL IMPRISONMENT - DEFNT. ESGROW HAS BEEN DEEM THE
 HEARING OFFICER FOR BOTH/ALL MISBEHAVIOR REPORTS ON 4-25-19 AND
 MAY-1-2019 / ITS IMPORTANT TO LOOK AT THE PENALTIES OF DISPOSITION'S
 OF ESGROW AND GANTERT FROM HEARING'S (THAT CONSTITUTE THE FIRST
 TWO DUE PROCESS VIOLATIONS) COMPLETED IN APRIL-2019. DEFNT
 ESGROW IMPOSED A PENALTY FROM THE APRIL HEARING THAT WAS TO START
 SEPT-2-2019. HOW CAN DEFNT ESGROW IMPOSE A DISTANT SANCTIONS FOR
 SEPTEMBER-2019 AND ITS APRIL-2019 AND THE MAY-1-2019 M.B.R. HAVE
 NOT BEEN WRITTEN, MORE HAS THE HEARING BEEN COMPLETED, NOT UNTIL
 MAY-8-2019 "ALLEGELYS" DEFNT. ESGROW IS WELL AWARE OF THE (5 1/2)
 FIVE + HALF MONTHS WHICH "FAKE" HEARING'S HE DID ALLEGELY

DFDNT. ESGROW WAS WELL AWARE OF THE UNLAWFUL IMPRISONMENT AND HE KNOWS HE NEVER HELD ANY HEARING'S TO JUSTIFY THE FIVE + HALF MONTHS OF UNLAWFUL IMPRISONMENT IN THE S.H.U. DFDNT GANTERT ADVERSE DISPOSITION FROM A HEARING COMPLETED IN APRIL-29-2019 IN ABSENIA, THE PENALTIES IMPOSED DOES NOT START UNTIL 9-2-2019 AND ENDS 10-2-2019. HOW CAN THAT BE? THE HEARING WAS COMPLETED IN APRIL-29-2019 MAY-1-2019 M.B.R. HAVE NOT BEEN WRITTEN OR COMPLETED UNTIL MAY-8-2019? LIEUTENANT GANTERT (WATCH COMMANDER) AND COMMISSIONER OF HEARING'S OFFICER ESGROW AIDED AND ABETTED THIS UNLAWFUL IMPRISONMENT

BOTH DFDNTS. BRADLEY & WAGNER KNEW SHOULD HAVE KNOWN THAT THERE OFFICE NEVER ASSIGNED AN EMPLOYEE ASSISTANT / NEVER RECEIVED A REQUEST FOR EVIDENCE / A DISPOSITION / A HEARING TAPE / NOR DID A WITNESS REQUEST OR REFUSAL FORMS / NOT EVEN ASSIGNING A HEARING OFFICER ETC... THESE TWO CAPTAIN'S AIDED AND ABETTED AN UNLAWFUL IMPRISONMENT AND FORGED DOCUMENTS TO TRY AND COVER IT UP / MALICIOUS ADVERSE ACTION'S.

DFDNTS - GIRIBALDI - COON - STROMAN - KITTS - ESGROW, ALL KNOW FULL AND WELL THAT AT NO TIME DID THEY APPEAR OR TESTIFY AT A TIER 3 HEARING AND AT NO TIME WAS PLNTF. BAXTER TAKEN OUT OF HIS ASSIGN CELL TO BE ESCORTED TO A HEARING, ALL THESE DFDNT (EXCEPT ESGROW) HAVE A STEADY POST IN D-BLOCK SEGREGATION UNIT

PLNTF. BAXTER UNLAWFUL IMPRISONMENT WAS ALSO DONE SO THAT BAXTER COULD NOT LEAVE THE JURISDICTION OF CHEMUNG COUNTY AND THEREFORE COULD BE MALICIOUSLY PROSECUTED BY THE FRAUDULENT EVIDENCE COOK-UP BY DFDNT. CAPTAIN JOSEPH BRADLEY / HOPEFULLY BRADY AND STRICKLEN WON'T HAVE TO "FREE" BAXTER FROM A MALICIOUS PROSECUTION, WRONGFUL CONVICTION FROM FALSE EVIDENCE SUBMITTED TO A GRAND JURY, WITH THE MALICE INTENTION OF SUBMITTING THAT AND MORE TO A JURY, PLNTF. BAXTER "BEGG'S" JUSTICE LAZIMER FOR A FEDERAL INJUNCTION TO THIS MALICIOUS STATE PROSECUTION.

DEFENDANTS. SUPERINTENDENT PAUL PICCOLO AND DEFENDANT SUPERINTENDENT TIMOTHY HEATH
 WAS WELL AWARE OF PLAINTIFF BAXTER UNLAWFUL IMPRISONMENT BY WAYS OF THEM
 BEING NOTIFIED ON THEIR EXECUTIVE ROUND'S AND GRIEVANCE COMPLAINTS, ON
 ROUND'S AND THEY SAID [WE WOULD KNOW IF YOUR BEING UNLAWFULLY
 DETAINED AT "MY" FACILITY YOUR NOT. YOU HAVE SEVERAL M.B.R. TO KEEP
 YOU HERE] A SIMILAR RESPONSE CAME FROM DEPUTY SUPERINTENDENT SECURITY
 T. HEATH IN THE GRIEVANCE RESPONSE, NO REAL INVESTIGATION EVER TOOK
 PLACE NOT EVEN ANOTHER CELL SIDE INTERVIEW FROM ANY SO-CALLED
 SUBORDINATE(S) AS THAT'S THE "NORMAL PROCEDURE" / RESPONDENT SUPERIOR
 MUST BE ATTACHED

DUE PROCESS OF LAW VIOLATION AS TO BOTH THESE IMAGINARY TIER 3 HEARING'S

- (1) BAXTER ALLEGES NO HEARING'S TOOK PLACE.
- (2) BAXTER WAS DENIED THE RIGHT TO BE PERSONALLY PRESENT AT THESE "FAKE" HEARING'S
- (3) BAXTER WAS DENIED THE RIGHT TO CALL WITNESS(ES) IN HIS BEHALF.
- (4) BAXTER WAS DENIED THE RIGHT TO EMPLOYEE ASSISTANT.
- (5) BAXTER WAS DENIED THE RIGHT TO HEAR EVIDENCE AGAINST HIM.
- (6) BAXTER WAS DENIED THE RIGHT TO RESPOND TO SAID EVIDENCE PRIOR TO THE DISPOSITION
- (7) BY THE HEARING OFFICER.
- (8) BAXTER WAS DENIED THE RIGHT TO PRESENT + MARSHAL DOCUMENTARY EVIDENCE IN
 HIS BEHALF

THE PRESUMPTION OF INNOCENCE WAS BAXTER BEING DENIED ACCESS TO
 THE COURTS; BAXTER COULD NOT / DID NOT PERFECT AN APPEAL OR ARTICLE 7800

PLAINTIFF BAXTER WAS DUE FOR RELEASE FROM THE S.H.U. APRIL 17-2019
 AND CONTINUE CONFINEMENT "CANNOT-MUST NOT-BE JUSTIFIED" ON THE
 BASIS OF DISCIPLINARY VIOLATION(S) UNDER THESE CIRCUMSTANCE'S

(A) CLAIM: On July-2018 - July-2019

DEFENDANTS: CORRECTION OFFICER'S: BRANDON COON/J. KITTS / A. STROMAN
CORRECTION SERGEANT K. MOORE

DID THE FOLLOWING TO ME: ACTING UNDER COLOR OF STATE LAW(S)
DID CONSPIRED TO RETALIATE ON PLAINT. BAXTER FOR/BECAUSE OF BAXTER
PROTECTED CONDUCT OF FILING MULTIPLE GRIEVANCE'SS, AND P.R.E.A COMPLAINTS
AGAINST DEFNT COON WHICH LEAD TO DEFNT COON LEAVE OF ABSENCE
"PENDING P.R.E.A. INVESTIGATION" / "AFTER, DEFNTS HAD A MEETING
OF THE MIND" AND CONSPIRED TO RETALIATE ON BAXTER BY WAY OF
DISCIPLINARY ACTION I.E MISBEHAVIOR REPORT'S; AND SGT. K. MOORE BY
WAY OF DEPRIVATION ORDER'S AND MISBEHAVIOR REPORT'S.

THE ATTACH EXHIBIT'S ARE A LITE/SMALL EXAMPLE OF THE COUNTLESS
GRIEVANCE'SS COMPLAINTS FILED AGAINST DEFNT. COON, WHO ALWAYS
ENDURES THE OTHER DEFNTS KITTS-STROMAN M.B.R. / ALL THE M.B.R.
ARE RETALIATORY AND THREE TIME'S DEFNTS WAGNER + BRADLEY
DENIED PLAINT. BAXTER EVIDENCE TO PROVE KITTS-STROMAN-MOORE M.B.R.
ARE FALSE ACCUSATIONS WRITTEN OUT OF MALICE ANIMUS RETALIATION
DEFNT. COON CONTINUED TO HARASS BAXTER BY UNHYGIENIC ACTS AND
STALKING / THE UNHYGIENIC ACTS DENYING BAXTER CELL CLEAN-UP /
SWITCHING BAXTER SHAVING RAZOR WITH An UNKNOWN INMATE / WATCHING
BAXTER GET STRIP SEARCH BY ANOTHER C.O. / VERBALLY SEXUALLY HARASSING
HOLDING BAXTER Hand WHILE TAKEN THE HANDCUFF OFF. / SO "DEFNTS
COON-KITTS-STROMAN BANDIED TOGETHER TO RETALIATE"

IF THESE PROCEEDING'S MOVE OR TERMINATE INTO A TRIAL
PLNTF. BAXTER WILL MOVE FOR DISCOVERY TO SHOW + PROVE AFTER
THE FILING OF THE P.R.E.A. COMPLAINT BY PHONE ALL THESE
ADVERSE ACTION TOOK PLACE FROM MOVING BAXTER TO ANOTHER
HOUSING UNIT.

TO PROVE BAXTER PROTECTED CONDUCT WAS THE REASON(S) FOR
THE ADVERSE ACTION AGAINST HIM.

PLEASE TAKE FURTHER NOTICE, THAT THESE GRIEVANCE COMPLAINT'SSS
REFLECT THE HISTORY AND ON GOING HARASSMENT / SEXUALLY HARASSMENT
AND IT'S BECAUSE OF BAXTER'S PROTECTED CONDUCT

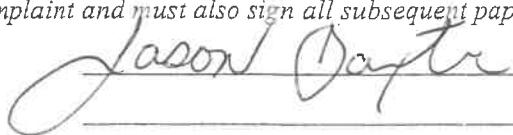
THE MAY 1- 2019 GRIEVANCE CAUSE DEFNT. COON - STROMAN- KITTS BACK
UP HIS THERE SUPERVISOR TO WRITE - ENDORSE M.B.R.

OTHER PROTECTED CONDUCT CAUSE THESE DEFENDANTS MENTIONED
IN THESE COMPLAINTS TO BAND TOGETHER (CONSPIRE AND)
RETALIATE ON BAXTER

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 9-24-2019
(date)

NOTE: *Each plaintiff must sign this complaint and must also sign all subsequent papers filed with the Court.*



Signature(s) of Plaintiff(s)

United States District Court

Western District of New York

JASON BAXTER (Plaintiff)

VERIFICATION

-V-

PICCOLI / HEATH / BRADLEY / WAGNER / GAERTER / POLAWAY / SCHMITT

GIRIBALDI / MODRE / ESGROW / COON / KITTS / STROMAN / E. BUTLER /

L. BUTLER / KENNELL / THATCHER / JOHN DOE / JANE DOE

PRO SE PLAINTIFF JASON BAXTER, DEPOSES AND SAYS: THAT ON

2019, PLNTF. BAXTER SUBMITTED AN COMPLAINT

UNDER 42 U.S.C. § 1983 TO THE UNITED STATES DISTRICT COURT. AND PLNTF.

BAXTER HEREBY VERIFY'S THE COMPLAINT, THE MATTERS STATED IN

THE COMPLAINT ARE JUST-ACCURATE-TRUE-ACCOUNT OF EVENTS

STATED IN THE COMPLAINT, TO PLNTF. BAXTER OWN

KNOWLEDGE, UNDER PENALTY OF PERJURY THE FOREGOING IS

TRUE AND CORRECT COMPLAINT.

EXECUTED AT Pine City New York

2019

JASON BAXTER

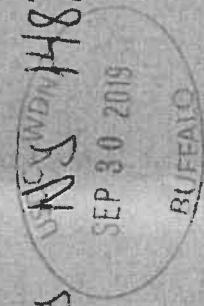
jason Baxter

10 A 3D 96

VERIFIED

BRYAN REEDDEN 18A1D16
SOUTHPORT CORR. FAC.
P.O. Box- 2000

PINECITY NY H871-2000



CHIEF FEDERAL COURT CLERK
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8- NIAGARA SQUARE
BUFFALO, NEW YORK 14

